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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination
Ninety-fifth session
23 April–11 May 2018
Item 6 of the provisional agenda
Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

List of themes in relation to the combined twenty-second and twenty-third periodic reports of Peru

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (A/65/18, para. 85) that the Country Rapporteur would send a short list of themes to the State party concerned with a view to guiding and focusing the dialogue between the delegation of the State party and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Information on the demographic composition of the population (arts. 1 and 2)

2. Updated information on the demographic composition of the population of the State party, in particular the results of the population and housing census conducted in 2017 and the specialized study on the Afro-Peruvian population (CERD/C/PER/22-23, para. 39). Information on the census methodology and measures taken to improve and encourage the self-identification of persons belonging to ethnic and indigenous groups (ibid., paras. 36 and 38).

Legal, institutional and public policy framework for combating racial discrimination (arts. 2, 4, 6 and 7)

3. Adoption and implementation of a comprehensive national policy to combat racism and racial discrimination that promotes the social inclusion of indigenous peoples and Afro-Peruvians. Implementation of the national strategy for the eradication of ethnic and racial discrimination for the period 2016–2021 and the resources allocated for that purpose (ibid., para. 25).

4. Measures for incorporating a definition of racial discrimination into domestic law that includes all the elements contained in article 1 (1) of the Convention (CERD/C/PER/CO/18-21, para. 9). Information on the review of the Criminal Code (CERD/C/PER/22-23, para. 35) and the incorporation of the acts and actions enumerated in article 4 of the Convention.

5. Measures taken to ensure the independence of the Ombudsman's Office, including through the allocation of human, technical and financial resources.

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Situation of indigenous peoples and Afro-Peruvian communities (arts. 1 to 7)

6. Results of the implementation of the National Development Plan for the Afro-Peruvian Population (CERD/C/PER/22-23, para. 49). Information on the adoption of special measures to ensure that indigenous persons and Afro-Peruvians enjoy all their rights, especially their economic, social and cultural rights, and on the resources allocated for the implementation of such measures.

7. Implementation of Act No. 29785 on prior consultation. Details on the consultation processes undertaken to obtain the free, prior and informed consent of indigenous peoples to all decisions that directly or indirectly affect them and on the implementation of any agreements reached.

8. Access to ancestral lands and territories for indigenous peoples, including by means of the recognition and granting of land titles.

9. Situation of indigenous peoples affected by natural resource development projects, particularly in terms of their rights to water, food and health. Information on environmental and human rights impact studies conducted prior to the issuance of licences to companies in the extractive industry.

10. Protection measures and safeguards adopted and remedies awarded for damages and losses in cases where indigenous communities have been adversely affected by the development of natural resources. Results of the implementation of the Contingency Fund for Environmental Remediation (CERD/C/PER/CO/18-21, para. 15, and CERD/C/PER/22-23, paras. 146 and 147).

11. Situation of indigenous peoples in voluntary isolation and initial contact, particularly with regard to ensuring respect for their decision to remain in isolation, and specific measures taken to protect their rights, especially for those who are at risk of being adversely affected by projects involving the development or use of natural resources.

12. Measures taken to increase birth registration and identification of persons belonging to indigenous peoples, particularly in rural and remote areas.

13. Implementation of the Comprehensive Collective Reparations Plan and details on how indigenous peoples have been involved in the development and implementation of its programmes (CERD/C/PER/CO/18-21, para. 22).

14. Implementation of Supreme Decree No. 006-2015-JUS, in particular with regard to the Registry of Victims of Forced Sterilization covering the period 1995–2001. Information on the number of cases in which free legal assistance has been provided, including how many have resulted in complaints being filed and reparations being made (CERD/C/PER/22-23, para. 138).

15. Implementation and funding of The National Health-Care Strategy and Comprehensive Health-Care Plan for Indigenous Peoples and the Sectoral Policy on Intercultural Health (ibid., para. 26).

16. Information on the number of complaints of excessive use of force against indigenous and Afro-Peruvian persons by law enforcement officials and the number of cases prosecuted and sentences handed down.

17. Measures to prevent the dissemination of messages, programmes and advertisements that promote the stigmatization of indigenous peoples and Afro-Peruvians. Progress towards the adoption of a code of ethics for the media. Information on administrative or criminal proceedings initiated in connection with the dissemination of messages, programmes or advertisements that perpetuate the stigmatization of indigenous peoples and Afro-Peruvian communities (CERD/C/PER/CO/18-21, para. 24).

18. Measures taken and resources allocated to ensure the effective implementation of Act No. 29735 on the use, preservation, development, recovery, promotion and dissemination of the indigenous languages of Peru and its enabling regulations (Regulation No. 004-2016-MC). Implementation of policies for intercultural bilingual education and resources allocated for that purpose. Specific measures adopted for the preservation,

expression and dissemination of the identity, history, culture, traditions and customs of indigenous peoples and Afro-Peruvian communities.

Participation in public and political life by indigenous peoples and Afro-Peruvians (arts. 2, 5 and 6)

19. Impact of measures taken to promote the political participation of indigenous peoples and Afro-Peruvians, in particular in decision-making positions.

Situation of indigenous and Afro-Peruvian women (arts. 2 and 5)

20. Implementation and outcome of measures taken to combat the multiple, intersectional forms of discrimination suffered by indigenous and Afro-Peruvian women, in particular those which impede their participation in decision-making and their access to a decent standard of living, education, work and health-care services, including sexual and reproductive health services.

Situation of human rights defenders (arts. 2 and 5)

21. Measures taken to ensure protection for human rights defenders, particularly those working to defend the rights of indigenous peoples, and information on any investigations conducted into cases of violations of the rights of human rights defenders.

Combating racial discrimination and ensuring access to justice (arts. 5 and 6)

22. Implementation of the Racism Alert Platform. Information on the functions of the Commission against Racism, the activities it has carried out and the results thereof. Information on the operation of the National Commission against Discrimination and the Anti-Discrimination Platform and on the electronic complaints procedure and mechanism for providing assistance to victims of discrimination, including the number of cases registered and dealt with (CERD/C/PER/22-23, paras. 28 and 29).

23. Information on the number of complaints and cases of racial discrimination that have been investigated and prosecuted and the number of perpetrators duly punished. Information on concrete actions taken to facilitate access to justice for indigenous peoples and Afro-Peruvians, including the number of interpreters and bilingual public defenders whose services have been made available and the existing mechanisms for coordination between the traditional and formal justice systems.

Situation of migrants (arts. 2 and 5)

24. Measures adopted and programmes in place to promote the social integration of migrants, refugees and asylum seekers in order to ensure their access to education, employment and health services without discrimination. Information on human rights training for public officials with regard to this population group (CERD/C/PER/CO/18-21, para. 21).